IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.743 OF 2004

Bhushan Prahlad Mane Applicant
versus
State of Maharashtra Respondent

Mr.Harshad Palwe for applicant.
Mr.P.A.Pol, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 6th October 2006
PC :

1. By this petition under section 482 of Cr.P.C. the petitioner-original accused no.6 in CR No.73 of 2002 prays for quashing and setting aside the charge sheet therein.

2. It is not in dispute that upon registration of this CR alleging offence punishable under section 302 of IPC, investigations commenced and a charge sheet was laid in the Sessions Court, at Nashik. The case is registered as Sessions Case No.155 of 2002.

3. Shri Palwe relies upon observations of learned Additional Sessions Judge while considering the application for enlarging the applicant on bail and submits that the observations therein would indicate that no prima

facie case is made out against the applicant-accused no.6. There is no question of his involvement in the crime because, admittedly, the applicant was required to report to Ghatkopar Police Station at Mumbai. On the relevant date, it is not disputed, that he was at Ghatkopar for reporting at the Police Station. It is inconceivable that he would travel a distance of about 180 kms. in less than two hours and be present at the site when the incident took place.

4. In my view, such contentions cannot be taken note of at this stage. The charge sheet is filed on the basis that the role of the applicant is as a conspirator. These prima facie conclusions were enough to lay a charge sheet and name the applicant as an accused. Relying upon the observations while enlarging him on bail, it would not be proper to quash the proceedings. More so, when the offences are serious in nature and punishable with death or life imprisonment. The petition is, therefore, dismissed. However, dismissal of this petition does not bar the applicant from raising all appropriate pleas and placing such materials as are permissible in law during the course of trial.

(S.C.DHARMADHIKARI, J.)